

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

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ROBERT D. SCHLAYACH, Individually :  
and as the Administrator of the ESTATE :  
OF KATHERINE E. SCHLAYBACH, :  
Deceased, :  
Plaintiff, :

v. :

No. 5:19-cv-3044

BERKS HEIM NURSING & :  
REHABILITATION; COUNTY OF :  
BERKS; COUNTY OF BERKS, BERKS :  
HEIM NURSING & REHABILITATION; :  
and TERRENCE J. BRENNAN, :  
Defendants. :

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**ORDER**

**AND NOW**, this 22<sup>nd</sup> day of January, 2020, upon consideration of Defendants' motion to dismiss the Second Amended Complaint for failure to state a claim, ECF No. 9, and for the reasons set forth in the Opinion of this date, **IT IS HEREBY ORDERED:**

1. Defendants' motion to dismiss, ECF No. 9, is **GRANTED**.
2. The Second Amended Complaint, ECF No. 7, is **DISMISSED, with prejudice**.
3. This case is **CLOSED**.

BY THE COURT:

/s/ Joseph F. Leeson, Jr.

JOSEPH F. LEESON, JR.

United States District Court